

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

DRESSER, INC.

AI # 2920

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

* **Settlement Tracking No.**
* **SA-HE-07-0051**
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* **Enforcement Tracking No.**
* **HE-PP-06-0103**
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SETTLEMENT

The following Settlement is hereby agreed to between Dresser, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation who operates a large quantity generator (LQG) of hazardous waste facility located at 8011 Shreve Highway in Pineville, Rapides Parish, Louisiana ("the Facility"). The company manufactures relief valves and safety valves, involving processes which include machining, welding, metal finishing, coating, assembly, and packaging.

II

On August 7, 2006, the Department issued a Notice of Potential Penalty, Enforcement No. HE-PP-06-0103, to Respondent, which was based upon the following findings of fact:

On or about March 15, 2006, an inspection of Dresser, Inc., owned and/or operated by Dresser, Inc. (Respondent), was performed to determine the degree of compliance with the

Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 8011 Shreve Highway in Pineville, Rapides, Parish, Louisiana.

The following violations were noted during the course of the inspection.

A. The Respondent failed to determine if solid waste generated as defined in LAC 33:V.109 is a hazard, in violation of LAC 33:V.1103. Specifically, facility failed to perform a proper hazardous waste determination on spent solvent from Dept. 163 paint booth. Waste from paint booth is being manifested as waste paint related material or waste paint under D001 according to 2/9/04 and 10/20/04 manifest generated by the facility. The U.S. Environmental Protection Agency (EPA) noted the same violation during an inspection conducted on June 14, 2001.

B. The Respondent failed to notify the Office of Environmental Services, Environmental Assistance Division, within seven days if any of the information submitted in the application for the identification number changes, in violation of LAC 33:V.1105.B. Specifically, the most recent HW-1 dated March 1, 1991, only shows waste codes D002 and D008. The facility generates D002, D008, and also D001, D003, and F005.

C. The Respondent failed to mark containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers, in violation of LAC 33:V.1109.E.4. Specifically, two satellite accumulation drums were not label(ed) with the words hazardous waste (Dept. 163 paint booth and aerosol can recycling drum). The U. S. Environmental Protection Agency (EPA) noted the same violation during an inspection conducted on June 14, 2001, for a container accumulating used sandblasting material.

III

In response to the Notice of Potential Penalty, Respondent submitted an answer including detailed comments. Respondent also submitted a Nine Factors Analysis to supplement its answer to the Notice of Potential Penalty.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FOUR THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$4,800.00), of which Seven Hundred Eleven and 58/100 Dollars (\$711.58) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Rapides Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the

Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

DRESSER, INC.

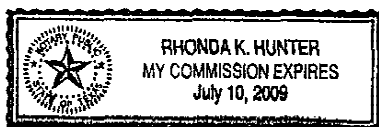


BY: William E. Peterson
(Signature)

William E. Peterson
(Print)

TITLE: DIRECTOR OF OPERATIONS

THUS DONE AND SIGNED in duplicate original before me this 21st day of February, 20 08, at Adrian, Texas.



Rhonda K. Hunter
NOTARY PUBLIC (ID # 00181482-5)
Rhonda K. Hunter
(Print)

LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Harold Leggett, Ph.D., Secretary

BY: Peggy M. Hatch
Peggy Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of May, 20 08, at Baton Rouge, Louisiana.

Harold Leggett
NOTARY PUBLIC (ID # 2040539)
Harold Leggett
(Print)

Approved: Peggy M. Hatch
Peggy Hatch, Assistant Secretary